

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OSCAR COLMENARES-GONZALEZ and
COLMENARES RODRIGUEZ, INC.,

Defendants.

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8:07CR301

ORDER

This matter is before the court on the defendants' motions for additional time to file pretrial motions and to continue trial (Filings 77 & 78). The defendant has filed an affidavit or declaration regarding speedy trial, as required by [NECrimR](#) 12.1 and/or 12.3. For good cause shown, the court finds that the motions should be granted.

IT IS ORDERED that the motions are granted, as follows:

1. The deadline for filing pretrial motions is extended to **July 16, 2008** as to both defendants.

2. The trial now set for July 7, 2008, is continued to Tuesday, **October 7, 2008**.

3. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **June 25, 2008 and October 7, 2008**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act because counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

DATED June 26, 2008.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge